G. R. S. IX-5]

Previous references.

Reserve

1918-19

(Courts)

File No. 73-18.

Serial Nos. 1 to 8

Later references.

Proke Dep RNo-2832-18.

Cts 147-19(1-2)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 8

Part B for ~~February~~ 19.

SUBJECT.

Question of amending Criminal P. Code of 1898 in force in British India so as to enable commissions issued by British Indian Courts for the examination of witnesses residing in Native States to be executed by Durbar courts.

8(1) From, The F. A. Resident.
No 6222 D 6-9-1918
Forwards copy of letter No 633 D 1-8-18 from the Govt of India & requests the views of the Durbar in the above matter.

8(8) To, The F. A. Resident.
No pol 748 D 3-2-19
States that no commissions were issued to or by the British Indian & Import courts under Sect 503 Cr. P.C during the past 3 years.

8/2/19

1288-GPB—50,000—24-7-16

G. R. S. III—1] 1918.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 73-18

FILE HEADING.

Question of amending Cr. P. Code of 1898 in force in Br. India so as to enable commissions issued by Br. Indian Courts for the examination of witnesses residing in Native States, to be executed by Durbar Courts.

From

The F. A. Resident.

No. 6222 Dated 6-9-1918 Received 11-9-1918

Diary No. 3885	Enclos. 2 Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards copy of letter no. 633 9 1-8-18 from the Govt. of India & requests the views of the Durbar in the matter.

NOTES AND ORDERS.

Submd. for orders

1) Section 503 sub-section (4) of Regn. II of 1904 provides for the execution of such Commissions & compels penalties for non appearance or default on the part of the witnesses. No further amendment seems necessary

8/12/9

1/9

2) Please put up draft as proposed

8/12/9

1/9

3) Draft submd.

8/12/9

1/9

4) Done & returned

8/12/10

NOTES—First Sheet.

WD 1232—GPB—20,000—18-11-16

G. R. S. III-2]

General and Revenue Secretariat.

C/6 File No. 73 of 1916.

Serial No. 2

To The D. Mrs of Districts

No G 7327-34 Dt 10-10-18.

Requests to furnish Statistics showing the no of Commissions for the examination of wit nesses in Cr Cases sent to the Courts in their districts throughout the Residency in Mysore for execution by Br. Indian Courts and the no sent from their districts to Courts in Br India dur the past 3 years.

Remitted as per order.

8/10/18.

11/10/18

Rec'd on 26/10/18

11/10/18 b) So far as the British Indian courts are concerned, no difficulty will arise in regard to Mysore, as all processes issued by Courts here under the same conditions and in the same manner as if such process had been issued by a Magistrate having jurisdiction in Mysore. No Mysore rank Mal commissions are issued for the examination of persons in Mysore. But it will be desirable to utilise this opportunity for getting reciprocity for the British Courts in case similar instructions are issued by Durbar. If approved suitable drafts will be submitted.

Chief Secy 7/11/18 - please put up a draft [illegible]

NOTE—Contn. sheet.

W D A 1769—GPB—60,000—20-8-18—S.

26-11-18. 25/11

General and Revenue Secretariat.

G.S. File No. 93 of 1918.

Serial No.	
3	From the Dt. Registrar Dharwar Dy. Dis 77 Dy. 26-10-1918 States that no commissions were either received from or sent to the courts of Br. India for the prs. 3 years.
4	From the Dt. Magte. Kolar Dy. Dis 120. Dy. 6-11-1918 States in reply to Sl. 2 that no instances of the kind are reported to have occurred in his Dt.
5	From the D. M. Shimoga Dt. J.C. 215 Dy. 7-11-1918 States that no commissions were either received from or issued to Br. Indian courts for the past 3 yrs.
6	From the D. M. Bangalore J.C. 375 Dy. 8-11-1918 States that no commissions were either issued to or received from Br. Indian courts in his Dt. during the past 3 years. If called for formal. The reports from other Dts. may be awaited.

Submitted
29/11

NOTE—Contn. sheet.

SG
29/11

G. R. S. III-2]

General and Revenue Secretariat. | C/5 File No. 73 of 1918.

Serial No.

7 From the Dt. magistrate Mysore

Dy Dis 390 dy 25-12-1918

States that there have been no instances in the Dt for the last 3 years of commissions for the examination of witnesses in Crl. cases either received from or issued to Br. Indian authorities

10/ Submd with a draft to the Resy. as proposed in para 7 supra

SG
31/12

11) A draft letter to the Resy is put up. I think it inexpedient to point out ~~that~~ to the Residency that we are bound to execute all processes issued by the Br. Indian Courts as though they were issued by our own Courts. If we do this I am afraid we cannot claim

NOTE—Conta. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

G. R. S. III[-2]

General and Revenue Secretariat. | Cbs File No. 73 of 1918.

Serial No.

reciprocity.

GMA
8.1.19.

Chief Secy).

1) In approval.
(Temp. member)
Dewan } cbs
15/1/19

GMA
15-1-19

13) A.M.J. 15/1

GMA
25.1.19

May issue
25.1

Issue cbs
30/1/19

D.W.
31/1.

8 Do

The F. A. R.
Pd 768 3-2-19

States that no Commissions were issued to or by the Br. Indian and Mysore Courts under sec 503 Cr. P. C. during the past twelve years.

7
17-1-1919

4101
28.1.19.

NOTE.—Contd. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

R. O. 178. (a) —R. P. B.—1-1918.—1,500.

MYSORE RESIDENT'S OFFICE,

Bangalore, 6th September 1918.

No. 62224-2.

A copy of the marginally* noted letter, with enclosure, is forwarded to the Chief Secretary to the Govt of His Highness the Maharaja of Mysore, with the request that the Hon'ble the Resident may kindly be furnished with the views of the Durbar in the matter.

*No. 633 dated the 1st August 1918 from the G. of India in the Home Dept (Judicial) regarding the execution of Commissions issued by B. Indian Courts in criminal Cases for the examination of witnesses residing in Durbar territory.

First Assistant Resident.

No. 633.

FROM

J. HULLAH, ESQ.,

Officiating Deputy Secretary to the Government of India,

To

THE SECRETARY TO THE GOVERNMENT OF MADRAS,
HOME (JUDICIAL) DEPARTMENT.

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
JUDICIAL DEPARTMENT.

THE CHIEF SECRETARY TO THE GOVERNMENT OF
BENGAL.

THE SECRETARY TO THE GOVERNMENT OF THE
UNITED PROVINCES,
JUDICIAL DEPARTMENT.

THE REVENUE SECRETARY TO THE GOVERNMENT OF
THE PUNJAB.

THE SECRETARY TO THE GOVERNMENT OF BURMA,
JUDICIAL DEPARTMENT.

THE SECRETARY TO THE GOVERNMENT OF
BIHAR AND ORISSA,
JUDICIAL DEPARTMENT.

THE HON'BLE THE CHIEF COMMISSIONER OF THE
CENTRAL PROVINCES.

THE HON'BLE THE CHIEF COMMISSIONER OF ASSAM.

THE CHIEF COMMISSIONER, COORG.

THE CHIEF COMMISSIONER, DELHI.

THE HON'BLE THE AGENT TO THE GOVERNOR-
GENERAL AND CHIEF COMMISSIONER, NORTH-
WEST FRONTIER PROVINCE.

THE REGISTRAR, HIGH COURT OF JUDICATURE AT
FORT WILLIAM IN BENGAL, APPELLATE SIDE.

Simla, the 1st August 1918.

Home Department.
Judicial.

SIR,

I am directed to forward for the information of His Excellency the Governor in Council / H. H. the Lieutenant-Governor (in Council) / the Hon'ble Judges / your information a copy of a letter from the Agent to the Governor General in Central India, no. 356-B., dated the 8th March 1918, giving cover to a letter from the Gwalior

Darbar in which they suggest that, when the Criminal Procedure Code is next revised, provision should be made to enable commissions issued by British Indian courts for the examination of witnesses residing in Native States to be executed by Darbar Courts.

2. To give effect to this suggestion, an amendment of section 503 of the Criminal Procedure Code will be necessary. The Government of India have hitherto held that there are strong objections in principle to such legislation; and that the increase of facilities for the issue of commissions is *per se* undesirable; while they have felt that some Darbars might object to their courts being required to take evidence on behalf of a British Indian court. They are prepared, however, to reconsider the matter, especially as a suitable opportunity is afforded by the proposed general revision of the Criminal Procedure Code. The objections previously taken would, it is thought, be met if the proposal were given effect on the basis of reciprocity with selected and duly notified courts of States, but they would be glad to be favoured with

the views of His Excellency the Governor in Council / His Honour the Lieutenant Governor (in Council) / the Hon'ble Judges / your views in the matter and also with evidence of the practical necessity for the amendment. They would also be glad to be furnished with statistics showing the number of commissions in criminal cases sent to Political officers for execution by British Indian courts in the Madras Presidency / etc. and the number similarly sent by Darbar courts to courts in British India.

3. I am to add that the views of the States other than Gwalior will be separately ascertained.

[T. High Court, Calcutta, only.] [4. The Government of Bengal and the Hon'ble the Chief Commissioner of Assam have been addressed.]

(To Bengal and Assam only.) (4. The Calcutta High Court has been addressed.)

I have the honour to be,

SIR,

Your most obedient servant,

J. HULLAH,

Offg. Deputy Secretary to the Government of India.

No. 634.

Copy forwarded to the Foreign and Political Department for information and further necessary action.

By order,

R. H. COURTENAY,

Offg. Additional Under Secretary to the Government of India.

226HD-949-5-8-18-GCPS

No. 356-B., dated Central India Agency, Indore, the 8th March 1918.

From—The Hon'ble Mr. O. V. BOSANQUET, C.S.I., C.I.E., Agent to the Governor General in Central India

To—The Political Secretary to the Government of India, Delhi.

I have the honour to forward a copy of a letter* from the Gwalior Darbar in which they suggest that on the occasion of the next revision of the Code of Criminal Procedure, 1898, provision should be made to enable commissions issued by Courts in British India for the examination of witnesses residing in Native States to be executed by Darbar Courts.

*No. 2457, dated the 4th January 1918.

2. The objections of principle to the proposal as explained in the Foreign Department letter no. 1644-I. B., dated the 16th August 1910, and subsequent corespondence have been fully stated to the Darbar. I need only say, therefore, that (1) the difficulty suggested in the 4th paragraph of the letter above quoted would not be likely to arise, as all that the Gwalior Darbar want is that the examination of witnesses on commission should be placed on the same footing for criminal cases as for civil suits, to be arranged on the basis of reciprocity; (2) the Gwalior Darbar have persisted in their policy of not allowing persons resident in the State to appear before the Residency Courts to be examined on commission, and (3) that attitude has not been adopted in other States in Central India.

Copy of letter from the Political Member, Huzur Darbar, Gwalior, to the Resident at Gwalior, no. 2457, dated the 11th January 1918.

I have the honour to address you on the subject of execution of commissions issued by British Indian Courts in criminal cases for the examination of witnesses residing in Darbar territory.

2. Section 503 of the Criminal Procedure Code of 1898 in force in British India provides in effect that where the examination of a witness is necessary for the ends of justice and the attendance of such witness cannot be procured without an amount of *delay, expense* or *inconvenience* which, under the circumstances of the case, would be unreasonable, a commission may be issued for the examination of such witness.

The above provision explains the principles or causes which necessitate the issue of commissions in criminal cases. They are unreasonable 'delay', 'expense' and 'inconvenience'.

3. Section 503 also provides that such commissions may be issued to an officer representing the British Indian Government when the witnesses reside in the territories of any Prince or Chief in India and that such officer shall proceed to the place where the witnesses are or shall summon the witnesses before him.

4. Prior to 1898 any such officer as is mentioned in the preceding paragraph could not delegate his powers under the commission to any other officer, but the Code of 1898 authorised him to delegate his powers and duties under the commission to any officer subordinate to him whose powers were not less than those of a Magistrate of the 1st class in British India.

5. Such is, in brief, the British Indian law on the subject. It is obvious that a Court in British India may not issue a commission to a Magistrate of the State Court, and the evidence of a witness recorded by a Court of an Indian State would be inadmissible as evidence in the courts of British India. But so far as the execution of commissions issued by British Indian Courts for the examination of witnesses residing in Gwalior territory is concerned, such commissions have always been executed by the Darbar Courts. The practice has continued for a number of years and it is in consonance with the privileges and dignity of the Darbar Courts on the one side and the convenience of the public and the ends of justice on the other as will be explained later on.

6. The question has recently been raised that commissions in criminal cases ought not to be sent to the Darbar Courts for execution, as the evidence recorded by the Darbar Courts would not be admissible under section 503, Criminal Procedure Code, in Courts in British India. This view is no doubt correct under the existing British Indian law, but there are reasons to think that the rule itself is defective and defeats the ends of justice.

7. The grounds on which the evidence recorded by a Native State court under a commission has been made legally inadmissible in courts in British India are not quite clear. If on principle it is considered that the evidence recorded under a commission is generally unsatisfactory, the issue of commissions should be dispensed with at all times and in all places. Where such evidence is defective on principle, it matters little whether it is recorded by a British Indian Court or a court in a Native State of the same status. That, however, is not the existing law. The exclusion of evidence recorded by a Native State Court under a commision could not therefore be due to the reason stated above unless, of course, it was considered that all the courts in all the States were quite incompetent or the system of law in force in Native States was hopelessly defective. If this be the real reason, it would seem curious that the law in force in British India relating to evidence and certain provisions of the Criminal Procedure Code should allow the evidence recorded by State Courts to be admitted in a number of ways in the courts of British India and yet render inadmissible evidence recorded under a commission. To see whether any evidence recorded by Native State Courts is admissible in Courts in British India we might refer to sections 33, 74, 79, 80 and 86 of the Indian Evidence Act and section 189 of the Criminal Procedure Code of 1898. The case of Queen Empress *versus* Sunder Singh and others was cited by the Darbar in one of their previous communications merely to show that the proceedings of the State Court were admissible in the courts of British India and not that the confessions of accused persons were either good evidence or were on an equal footing with the evidence recorded under a commission.

The result therefore is this.

Whereas evidence or depositions of witnesses recorded in a judicial proceeding or by a person authorised by law in a Native State in the ordinary course of business are admissible in the courts of British India, evidence recorded by a Native State Court at the request of a British Indian Court has by rule been made inadmissible. The state of things is quite anomalous.

8. Again, the reasons which necessitate the issue of commissions are unreasonable ' delay ', ' expense ' and ' inconvenience '. The question arises whether the rule prohibiting the Political Officers to delegate their powers under a commission to Native States Courts altogether removes the causes of unreasonable ' expense ' or ' delay ' or ' inconvenience ' which had originally necessitated the issue of commission. Supposing that the Magistrate of Agra issues a commission for the examination of a witness at Amjhera for any of the reasons specified above, will it invariably suit the convenience of the Resident at Gwalior to proceed to Amjhera for the execution of the commission? Under the provisions of the Code of Criminal Procedure of 1882 the Political Officers could not delegate their powers under a commission to any other person. This must have gone too hard for the Political Officers. The Code of 1898, therefore, authorised the Political Officers to delegate their powers under a commission to a Magistrate subordinate to themselves. Leaving apart the question whether all Political Officers have got subordinate Magistrates in Native States territories, it is still open to doubt whether the remedy provided by the Code of 1898 removes all difficulties. In the instance just cited, the distance, the expenses and the chances of delay and inconvenience would practically remain the same. Can not the Indian Legislature go a step further and authorise the Political Officers to delegate their powers and duties to Native States Courts? It is obvious enough that a Magistrate subordinate to a Political Officer, where there is any, will have the same difficulties before him as the Political Officer.

The Political Officer or the British Indian Magistrate who originally issued the commission could, it is stated, issue summonses and summon the witnesses, and in this connection it is suggested that by their non-attendance the witnesses thus sommoned run the risk of being arrested in British territory at the first opportunity. This looks rather anomalous, for, in the first instance, the case in which a commission is issued is always a case in which it has already been considered that the attendance of the witness concerned could not be secured by issuing summonses, the object of the court being to secure the evidence of the witness and not his arrest in any future time.

Secondly, the suggestion overlooks some important legal considerations. A ruling of the Madras High Court lays down that it is not an offence to disobey a summons issued by a British Magistrate directing the person summoned to appear before him at a place outside the British territory. It is almost certain that a British Magistrate whether subordinate to a Political Officer or a Magistrate in British India could not summon witnesses from a foreign territory. The legality of the procedure being thus open to objection it is not clear on what grounds a witness of the Native States territories could be arrested in British India for his non-attendance in the Court of the Political Officer or in the court of a Magistrate in British India.

9. To quote from letter no. 142, dated 18th October 1911, from the Judicial Secretary, " It is not for the Darbar either to question the Ruling of the Government of India (alluded to in your letter no. 1080, dated 9th March 1911) or to find fault with the law in British India, but they think it necessary in the interest of justice and convenience to point out the inconvenience which would inevitably result from the discontinuance of a time-honoured practice which necessity had created and convenience sanctioned."

It may be noted in the first instance that requisitions for the attendance of witnesses (residing in this State) in a British Indian Court or in the Residency Court derive no support or sanction from any treaty engagement nor do the Darbar appear to have undertaken at any time the responsibility of complying in general with such requests. To quote again from the Judicial Secretary's aforesaid letter, " by the ruling that in future commissions should not be sent to Gwalior Courts no obligation is laid upon the Gwalior State to compel persons to attend the Resident's court to give evidence."

10. The question whether a certain prescribed method of examination does suit the convenience of the administration concerned and the public and at the same time does respect the customs of the latter is one which deserves consideration. The Darbar do not find that the customs and usages of the public, so far as Gwalior is concerned, do not continue to be the same as existed hitherto, or the same inconvenience in view of which a British Indian Court is compelled to issue a commission to the Political Officers is not involved in the case where the Political Officer cannot delegate his powers under the commission to the Darbar Courts.

There are certain time-honoured customs of the country the force of which has to be fully recognised, and provision ought accordingly to be made to respect those customs. Apart from the case of *Parda-Nashin* ladies, there are certain classes which have been allowed the privilege in the Gwalior State of being examined on commission. The law of the State has never compelled their personal attendance in their own courts. Whenever their evidence is found to be necessary, a commission is invariably issued and they would still claim the privilege. Then there is the case of persons who may be too ill to leave their residence to attend a court to give evidence, as well as persons being at long distances or incapacitated through infirmity or old age. All these are most important considerations and cannot be regarded lightly.

11. When once the necessity of issue of commissions has been realized and a commission issued, the question is merely that of the agency by which the commission is to be executed, *i.e.*, to say whether the Resident should execute the commission himself or delegate it to be executed by one of the Darbar courts. The latter has throughout been the practice, and has adequately served the purpose so far. A suggestion ; therefore, from the Darbar for an alteration in the existing law of British India (section 503 of the Criminal

Procedure Code of 1898) in consonance with the practice and privileges of the Darbar will not be out of place here. The Darbar understand that the Indian Legislature is shortly going to take up the question of the revision of the said Code, and they trust that the present question also will in that connection be duly considered by the Government of India. Though it is stated in your letter no. 672, dated the 6th February 1914, that there is no disposition on the part of the Government of India to express doubts as to the efficiency of the Gwalior State Courts, still I may be permitted to quote the following from Darbar's previous letter:—

"The reluctance, if there be any, to so alter the law can only be based upon one of the two things or both (1) Either the Judiciary of the State concerned is not trustworthy or (2) the law relating to evidence and procedure in the State conflicts in material respects with the law in British India.

"As regards Gwalior, it may confidently be asserted that neither ground exists. So far no question has ever been raised as to the trustworthiness of the Gwalior Courts. The Allahabad High Court ruling quoted above shows clearly that when this was seriously questioned in an important case it was emphatically asserted by the High Court of Allahabad. This was in 1890, and the Courts have in every way improved since. Nor can it reasonably be said that the Gwalior courts are inferior to the ordinary Mufassil courts in British India.

"As to the second ground it is a fact that our procedure is based upon the same principles as the British."

125HD—950—27-7-18—GCPS

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT

( )

, the *191* .

Date of issue 10.10.18

Signed by W. L. S. [illegible]

Section C5

File No. 73-18

Serial No. 2

No. 7327-34

To The Dist. Magistrate
Of all Dists.

Sir,

I am directed to request you to be so good as to furnish statistics showing the number of commissions for the examination of witnesses in Civil cases sent to the Courts in your dist. through the Resy. in Mysore for execution by Bg. Indian Courts and the number similarly sent

over.

9/10

by the courts in your Dt.
to courts in Br. India during
the past 3 years.

This matter may be kindly
treated as urgent.

I have etc.

13/9
for Chief Secy

SB
12/9.
12/9

List of enclosures.

Copied by

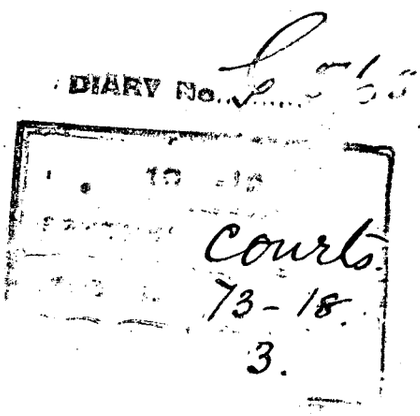
Examined by

W D86--GPB--60,000--15-11-16

Office of the District Magistrate,

Tumkur District,

Dated Tumkur, the 26th October 1918.



From

A. Subramanya Iyer, Esqr., B.A.,

District Magistrate,

Tumkur Dist.

To

C. S. Balasundaram Iyer, Esqr., B.A.,

Chief Secretary to the Government of His Highness the

Maharaja of Mysore, Bangalore.

S i r,

In reply to your letter No.G.7327-34/Cts.73-18-2 dated 10th October 1918, I have the honour to state that no commissions were either received from or sent to the courts of British India for the Examination of witnesses in Criminal cases for the past 3 years.

I have the honour to be,

S i r,

Your most obedient servant,

District Magistrate,

Tumkur District.

Acs

WD 0463—GPB—8,00,000—21-7-17—S.

1330

191

From

The District Magistrate,

Tumkur District.

To

The Chief Secretary to Government,

Bangalore.

Dated

Despatched 26th October 1918.

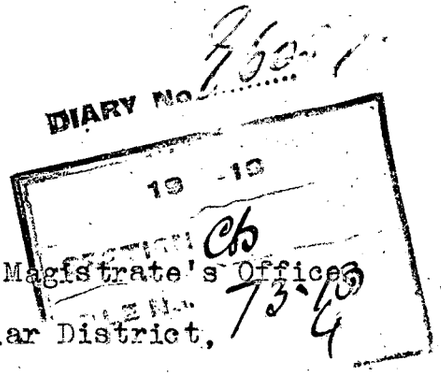
Received

General No. Dy Dis judl 77/18-9

No.

Enclosure No. 2nil

Stating that no commissions were either received from or sent to the courts of British India for the examination of witnesses in Criminal cases for the last 3 years.



District Magistrate's Office,
Kolar District,

Dated Kolar, the 6th November 1918.

From

B. Venkoba Rao, Esq., B.A.,
District Magistrate, Kolar District.

To

C. S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Government of Mysore,
BANGALORE.

Sir,

In reply to your letter No.G.7327-34/Cts.73-18-2 dated the 10th Ultimo, requesting to be furnished with statistics showing the number of commissions for the examination of witnesses received from, or issued to Criminal Courts in British India for execution -- during the past 3 years, I have the honor to state that no instances of the kind under advertence are reported to have occurred during the period under reference in the Criminal Courts in this District.

I have the honor to be,

Sir,

Your most obedient servant,

Assistant Commissioner and 1st class
Magistrate, Malur Sub Division,
For District Magistrate, Kolar District,
(Absent from station.)

RMM

WD 0463—GPB—3,00,000—21-7-17—S.

1918
14961

From

The District Magistrate,
Kolar District.

To

The Chief Secretary to the
Government of Mysore,
BANGALORE.

Dated 6th November 1918.

Despatched

Received

General No. 2261/20

No. 2 1849

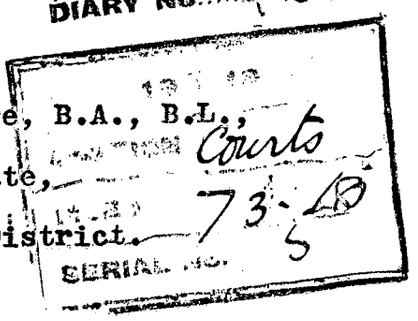
Enclosure No.

Reporting that no instances of Commissions for the examination of witnesses received from, or issued to Criminal Courts in British India were reported to have occurred in this -- District.

Office of the District Magistrate,

J.C. 215 of 1918-19. Shimoga District,

Dated Shimoga, 7th November 1918.



From,

M.A. Narayana Aiyengar, Esquire, B.A., B.L.,
District Magistrate,
Shimoga District.

To

C.S.Balasundaram Iyer, Esquire, B.A.,
Chief Secretary to Government,
B a n g a l o r e.

Sir,

With reference to your letter No: 7327-34/Cts.18-18-2 dated 10th October 1918, I have the honor to state that no Commissions to examine witnesses in criminal cases were received from the --- British Indian Courts nor were there any such Commissions issued from any of the courts of in this district during the past three years.

I have the honor to be,
Sir,
Your most obedient servant,

For Deputy Commissioner,
Shimoga District.
(Absent from Head-quarter)

M.A.

1918-19.

1413

From

M.A.Narayana Aiyengar, Esqr., B.A.B.L.

District Magistrate,

Shimoga District.

To

C.S.Balasundaram Iyer, Esquire, B.A.,

Chief Secretary to Government,

B a n g a l o r e.

Dated

7th November 1918.

Despatched

Received

General No. J.C. 215 of 1918-19.

No.

Enclosure No. Nil.

States that neither any Commis-
-sions were received from nor issued
to the British Indian Courts to exa-
-min witnesses in criminal cases.

Office of the District Magistrate,

Bangalore District,

Dated, Bangalore, 8th November 1918.

Cts 73-18-6

From

T. Chokkanna, Esq., B.A.,
District Magistrate,
Bangalore District.

To

C.S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Government of His
Highness the Maharaja of Mysore, Bangalore.

Sir,

Adverting to your letter No.G.7327-34/Cts.73-18-2 dated 10th October 1918, calling for statistics regarding the number of commissions for the examination ofwitnesses, I have the honour to state that no such commissions were either issued to or received from British Indian Courts in this District during the past three years.

I have the honour to be,

Sir,

Your most obedient servant,

District Magistrate,
Bangalore District.

1918

14396

From

The Dt: Magistrate
Bangalore Dt.

To

The Chief Secretary
to the Government
of His Highness the
Maharaja of Mysore
Bangalore.

Dated 8-11-18

No: R 375/18-19

Enc. No. Nil

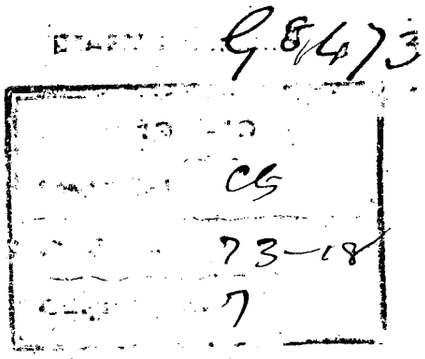
States that no
commissions were either
issued or received
from British Indian
courts in this district
during the past 3 years.

Judl No. 390 Judl (C-I) 26/12/18

Office of the District Magistrate,

Mysore District.

Dated, Mysore, 25th December 1918.



From

T. Chokkanna, Esquire, B.A.,

District Magistrate,

Mysore District.

To

C.S. Balasundaram Iyer, Esquire, B.A.,

Chief Secretary to the Government of

His Highness the Maharaja of Mysore,

BANGALORE.

Sir,

With reference to your letter No.7327-34/Cts.73-18-2 dated 10th October 1918, calling for statistics showing the number of commissions for the examination of witnesses in Criminal Cases sent to the courts in the Mysore District through the Residency in Mysore for execution by British Indian Courts, and the number similarly sent by the courts in the Mysore District to Courts in British India, during the past 3 years, I have the honor to state that no such instances are reported from any of the courts in this District during the said period.

I have the honor to be,

Sir,

Your most obedient servant,

for District Magistrate (absent from station).
Mysore District.

A.N.

W.D. 0241—GPB—6,00,000—19-5-16—S.

18873

191

From

The District Magistrate,

Mysore District.

To

The Chief Secretary to Govt.,

Bangalore.

Dated 25th December 1918.

Despatched

Received

General No.

No.

Enclosure No.

Reporting that no instances are reported from any of the courts in the Mysore District during the past three years regarding the statistics showing the number of commissions for the examination of witnesses in criminal cases sent to the courts in the Mysore District through the Residency, Mysore for execution, by British Indian courts, and the number similarly sent by the courts in the Mysore District to courts in British India.

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section C5
File No. 73-18
Serial No. 8

GENERAL AND REVENUE SECRETARIAT,
( )
, *the* 191 .

No. Pol. 748

Date of issue 3-1-1919

To
The 7. A. Resident

Signed by T. S. Balasundaram Iyer

Sir,

With reference to your communication no 6292 dated 6-9-1918 requesting that the Hon the Resident maybe furnished with the views of the Durbar in the matter of the proposed amendment of section 503 of the Cr. P. Code [illegible] Commissioners for non-Hindus [illegible] the Legislative matter of [illegible]

Regarding the same I

C. 1/1

I am directed to state that the Govt of H.H. the Maharaja consider that there shd be complete reciprocity in the matter of issue & execution of commissions for examination of witnesses under section 503 of the Cr. P. Code.

are agreeable to the proposal on the basis of reciprocity, in regard to the Courts & authorities by whom such commissions may be issued & executed.

I am to add that as the Criminal Law of ~~India~~ British India (both substantive & adjective) is in force in Mysore and as the Darbar secures the same standard of efficiency in their Magistracy by ~~practically following from~~ by adopting practically the same tests & scale of pay &c. as those prescribed

List of enclosure.

Copied by

Examined by

WD 86—GPB—60,000—15-11 16

G. R. S. III-2].

General and Revenue Secretariat.

File No. of 191 .

Serial No.

for the members of the Provincial Civil service in British India it will be in consonance with the dignity of the Mysore State if the records of our courts, when properly authenticated have, ~~full credit~~ under a legal enactment, full credit in the British Courts.

With reference to para 2 of the letter of the Deputy secretary to the Govt of India I am to state that so far as can be ascertained from information that is readily available no commissions ~~have~~ were been issued to or by the British Indian & Mysore Courts under section 503 Cr. P. Code during the last three years.

I have &c

Chief Sec

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.